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9
10 Attorneys for Plaintiff
11 United States of America

12
13 IN THE UNITED STATES DISTRICT COURT
14
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 ARMANDO CHRISTOPHER TABAREZ,

20 Defendant.

21 CASE NO. 2:94-CR-320 JAM

22 AMENDED STIPULATION AND ORDER
23 ALLOWING DEFENDANT'S APPEARANCE ON
24 STATE OF CALIFORNIA WRIT OF HABEAS
25 CORPUS AD PROSEQUENDUM

26 On February 24, 2016, the Sacramento County Superior Court signed a Writ of Habeas Corpus
27 Ad Prosequendum, attached Hereto as Exhibit A, requesting that the body of the above-named defendant
28 be produced in Sacramento County Superior Court for proceedings in the case of People v. Armando
Tabarez, No. 15F05621.¹ Pursuant to that Writ, the defendant is to be transferred to state custody so that
he may appear for arraignment and initiation of his state-court charges for Assault with a Deadly
Weapon, to wit, a loaded handgun, in violation of California Penal Code Section 245(a)(2).²

29 The United States of America, by and through its attorney of record, Cameron Desmond, the
30 defendant, Armando Tabarez, both individually and by and through his attorney of record, John E.
31 Virga, and U.S. Probation Officer Gary White hereby stipulate that they do not oppose execution of the

32
33 ¹ The Government received a copy of this writ from the Sacramento County DA on October 14,
34 2016.

35
36 ² The defendant's personal appearance in the Superior Court is necessary to commence
37 proceeding with his state-court case.

1 Writ entered by the Sacramento Superior Court. The parties agree and stipulate that the status
2 conference previously calendared for October 25, 2016 in the defendant's federal proceeding may be
3 continued to December 6, 2016. All parties agree and stipulate that the officers of the Sacramento
4 County Sheriff's Department may take custody of and produce the defendant in state court to face his
5 state charges.

6 Pursuant to the Writ, the Sacramento County Sheriff's Department shall return the defendant to
7 federal custody upon the conclusion of the defendant's state proceedings.
8

9 Dated: October 19, 2016

PHILLIP A. TALBERT
Acting United States Attorney

11 By: /s/ Cameron Desmond
12 CAMERON DESMOND
13 Assistant United States Attorney

14 Dated: October 19, 2016

15 By: /s/ John E. Virga
16 JOHN E. VIRGA
17 Counsel for Defendant
18 ARMANDO CHRISTOPHER
19 TABAREZ
20

FINDINGS AND ORDER

21 IT IS SO FOUND AND ORDERED THIS 19th day of October, 2016
22

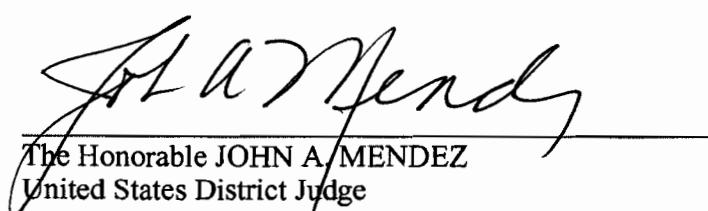
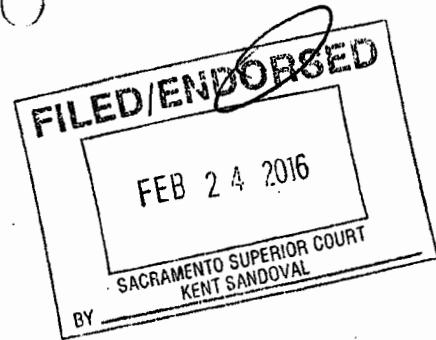
23 
24 The Honorable JOHN A. MENDEZ
25 United States District Judge
26
27
28

EXHIBIT A

1 ANNE MARIE SCHUBERT
2 District Attorney
3 Sacramento County
4 MARK OTT, SB 210073
5 Deputy District Attorney
6 901 G Street
7 Sacramento, CA 956314-163563
8 Phone (916) 6374-6637



6 SUPERIOR COURT OF CALIFORNIA
7
8 COUNTY OF SACRAMENTO

9 THE PEOPLE OF THE STATE OF CALIFORNIA

10 NO. 15F05621 DEPT. 63

11 Plaintiff,

12 DECLARATION AND ORDER
13 FOR WRIT OF HABEUS
14 CORPUS AD PROSEQUENDUM

vs.

15 ARMANDO TABAREZ,

16 Defendants.

17 Hearing: March 23, 2016
18 Time: 1:30 p.m.

19 I, MARK OTT, hereby declare:

20

21 1) That I am a Deputy District Attorney for the County of Sacramento, State of California.

22 2) That the above-named subject is charged with three (3) counts of violation of Section

23 245(a)(2) of the Penal Code of the State of California, to wit, a loaded handgun, a serious

24 felony as defined by Section 1192.7 of the California Penal Code.

25

26 3) That the case is set for appearance on March 23, 2016, at 1:30 p.m. in Department 63 of the

27 above - entitled court after a warrant for the Defendant's arrest has been issued in

28 connection with his criminal complaint and a demand by the Defendant for the initiation of

his speedy trial proceedings in this matter was received by this office;

4) That the Defendant, ARMANDO TABAREZ (Federal Register Number 07743097), is

currently a federal prisoner in the Federal Correctional Institution in Sacramento, California;

1 5) That the personal appearance of the above-named federal prisoner at the scheduled court
2 appearance is necessary in order to proceed with the stated charges, commence with
3 preliminary hearing and jury trial in this matter;

4

5 6) That in order to secure the presence of ARMANDO TABAREZ it is necessary that a Writ
6 of Habeas Corpus Ad Prosequendum be issued commanding the United States Marshal to
7 produce said Defendant in said court on said date and any subsequent dates as directed by
8 the Court in connection with the above matter, Complaint Number 15F05621.

9

10 WHEREFORE, your declarant prays for an Order directing the issuance of a Writ of Habeas Corpus
11 Ad Prosequendum out of and under the seal of the Court, directed to said Marshal, Commanding
12 him to have and produce ARMANDO TABAREZ in said Superior Court on the said date and time
13 and, at the termination of these and any subsequent proceedings directed by the Court in this matter,
14 to return said Defendant to the custody of said Marshal.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct.

17 Executed this 18th day of February, 2016 at Sacramento, California

18

19 Respectfully Submitted,

20

21 ANNE MARIE SCHUBERT
22 DISTRICT ATTORNEY

23

24

25 _____
26 MARK OTT
27 Deputy District Attorney
28 Superior Court Review Unit

1 ANNE MARIE SCHUBERT
2 District Attorney
3 Sacramento County
4 MARK OTT, SB 210073
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7 Sacramento, CA 956314-163563
8 Phone (916) 6374-6637

6 SUPERIOR COURT OF CALIFORNIA
7
8 COUNTY OF SACRAMENTO

9 THE PEOPLE OF THE STATE OF CALIFORNIA

10 NO. 15F05621 DEPT. 63

11 Plaintiff,

12 WRIT OF HABEUS CORPUS
13 AD PROSEQUENDUM

vs.

14 ARMANDO TABAREZ,

15 Defendants.

Hearing: March 23, 2016

16 Time: 1:30 p.m.

17 TO THE UNITED STATES MARSHALL AT SACRAMENTO, CALIFORNIA AND TO
18 THE SHERIFF OF THE COUNTY OF SACRAMENTO:

19 It appearing to me from the attached Declaration, that ARMANDO TABAREZ, (X-
20 reference Number 1723233; Federal Register Number 07743097) is a prisoner confined in Federal
21 custody at the Federal correctional Institution in Sacramento, California and has been charged in
22 Sacramento county Superior court complaint Number 15F05621 with a violation of Section
23 245(a)(2) of the Penal Code, to wit, a loaded handgun, a serious felony as defined by Section 1192.7
24 of the California Penal Code.

25 I command that you produce and deliver the body of the above-named Defendant now in
26 custody before the Superior Court, Department 63, on the 23rd day of March, 2016, at the hour of
27 01:30 p.m. And any subsequent dates as directed by the Court in connection with complaint number
15F05621 in that the proceedings against ARMANDO TABAREZ incident to the above -
numbered complaint my take place at said time and place.

The Sheriff of Sacramento County shall maintain care and custody of the inmate ARMANDO TABAREZ during the pendency of the State proceedings, deliver said inmate to the superior court as aforesaid and to any subsequent court appearance necessary in the prosecution of this matter until the conclusion of the State proceedings. The Sheriff of Sacramento County shall then return the Defendant ARMANDO TABAREZ to Federal custody. Compliance with the above shall be deemed sufficient compliance with this Writ.

DATED:

JUDGE OF THE SUPERIOR COURT

STATE OF CALIFORNIA